

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

14

DECISION

TOPIC

PROPOSED CONTESTED CASE DECISIONS - RICK NIKKEL, PATRICK
JONES, RICK HALMA, AND MATT GEHLING

Rick Nikkel

On October 29, 2004, the department issued Administrative Order No. 2004-AFO-112 to Rick Nikkel. The order required the payment of a \$3,000.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on November 18, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-112, including the assessment of an administrative penalty in the amount of \$3,000.00.

Patrick Jones

On March 4, 2005, the department issued Administrative Order No. 2005-AFO-09 to Patrick Jones. The order required the payment of a \$1,500.00 penalty for failure to timely submit a manure management plan. That action was appealed, and a hearing on this matter was held on November 21, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2005-AFO-09, including the assessment of an administrative penalty in the amount of \$1,500.00.

Rick Halma

On November 24, 2004, the department issued Administrative Order No. 2004-AFO-124 to Rick Halma. The order required Mr. Halma to pay a penalty of \$3,000.00 for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on November 18, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-124, including the assessment of an administrative penalty in the amount of \$3,000.00.

Matt Gehling

On November 24, 2004, the department issued Administrative Order No. 2004-AFO-123 to Matt Gehling. The order required the payment of a \$1,500.00 penalty for removing manure from a manure storage facility without having an approved manure management plan. That action was appealed, and a hearing on this matter was held on November 21, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-123, including the assessment of an administrative penalty in the amount of \$1,500.00.

There have been no appeals of these Proposed Decisions. In the absence of an appeal the Commission may decide on its own motion to review these Proposed Decisions. If there is no review of these Proposed Decisions, they automatically become final decisions of the agency.

Edmund J. Tormey, Chief
Legal Services Bureau

December 28, 2005